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| APPLICATION NO | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO | CONFIRMATION NO |
|----------------|-------------|----------------------|--------------------|-----------------|
| 09 258,600 | 02 26 1999 | Dana M. Fowlkes | CPI-012CP4DV | 4086 |

7590

07 28 2003

Peter C. Lauro, Esq.
Lahive & Cockfield, LLP
28 State Street
Boston, MA 02109

EXAMINER

LAMBERTSON, DAVID A

| ART UNIT | PAPER NUMBER |
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1636

16

DATE MAILED: 07 28 2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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|------------------------------|---------------------------|---|-------------------------------------|
| APPLICATION NO. 09/258600 | FILING DATE 02/26/1999 | FIRST NAMED INVENTOR: Fowlkes et al. | ATTORNEY DOCKET NO. CPI-012CP4DV |
|------------------------------|---------------------------|---|-------------------------------------|

EXAMINER

David A. Lambertson

| ART UNIT | PAPER |
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| 1636 | 16 |

DATE MAILED

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Commissioner of Patents

The communications filed **May 15, 2003 as Paper Nos. 13 and 14** are not fully responsive to the Office communication mailed **February 12, 2003 as Paper No. 10** because the response does not fully respond to the sequence requirements set forth in the Office Action. Specifically, there are still sequences in the specification that require identification by a SEQ ID NO and listing in a Sequence Listing. These sequences were previously pointed out in the Office Action mailed February 12, 2003 as Paper No. 10, but are now present on different page numbers due to the submission of a substitute specification. Their positions, as present in the substitute specification, are as follows: page 54, page 55, page 98, page 110 and page 153. Applicant is required to properly indicate the sequences as instructed in the previous Office Action.

Applicant is given a **TIME PERIOD** of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121, effective, March 21, 2001, in order to avoid abandonment.

EXTENSIONS OF THIS TIME MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner **David A. Lambertson**, Art Unit **1636**, whose telephone number is **(703) 308-8365**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is **(703) 308-0196**.

David A. Lambertson
Examiner, Art Unit 1636

David A. Lambertson
DAVID A. LAMBERTSON
PRIMARY EXAMINER

Notice to Comply

Application No.
09/258,600

Applicant(s)
Fowlkes *et al.*

Examiner
David A.
Lambertson

Art Unit
1636

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See attached Notice of Non-Responsiveness.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212

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